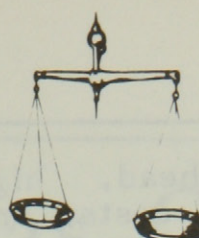


Quid Novi



VOL. III NO. 15

McGILL UNIVERSITY FACULTY OF LAW
FACULTE DE DROIT UNIVERSITY MCGILLJanuary 19, 1983
19 janvier, 1983

Faculty Council Accepts Boulton Report

by Joseph Rikhof

Last Wednesday Faculty Council unanimously accepted the Report of the Ad Hoc Committee on the Disposition of the Boulton fund.

The result of this decision means that the \$540,000 fund (with annual revenues of \$55,000 starting in 1983-84) will primarily be used for the appointment of visiting professors and teaching fellows in order to "inject or infuse new ideas and perspectives", in the words of the Ad Hoc Committee Report.

The Committee, as explained by Prof. Cohen, did not study other applications of the fund, like the appointment of a staff member to pursue a specific academic project, but those applications would be contingent on the primary application of the fund in the sense that a staff member could be relieved from regular teaching duties because the Boulton Fund visitor would free a faculty member from teaching. The possibility of a travelling Boulton Fellowship was not regarded as a high priority and would only come into play in exceptional circumstances.

The Ad Hoc Committee was of the opinion that the Boulton Teaching Fellowships should be regarded as a permanent program and preferably one fellow per year should be appointed. On the other hand, the money for visiting professors would be used on a more occasional basis.

The report did not cause many problems during the discussion in the Faculty Council meeting except for the fact that Prof. Cr peau was of the opinion that the primary objectives should be extended to areas such as publication funds for projects of staff members and a fund for the Law Library. The Dean explained that the Fund was granted to the Faculty in response to a request by the Dean to finance a program of teaching

fellows and visiting professors. Therefore, according to the Dean, if Faculty Council would decide to change the priorities in the administration of the Fund, permission would have to be granted by the University Administration. This would not be a wise move, according to Prof. H.P. Glenn.

The amendment of Prof. Cr peau to insert a publication and library fund in the report was defeated and afterwards the report was adopted.

The Faculty Council concluded this first session of the year by accepting the proposal to establish a Stikeman scholarship of \$1000 for a third or fourth year student who has demonstrated excellence in the field of taxation.

Fortier says specialize

by Daniel Gogek

There is still money, prosperity, and success to be found in the legal profession, but you've got to specialize and computerize your practice.

This was the message given to McGill Law students last week by Canadian Bar Association President Yves Fortier, who has recently embarked on a speaking tour of Canadian law schools. McGill Law School, from which M. Fortier graduated in 1958, is the seventh

school he has visited since the beginning of the tour.

The purpose of the mission is to "dispel the doom and gloom" that is sometimes rumoured to be hanging over the profession. In M. Fortier's opinion, the leaders of the Bar should have both contact and dialogue with the young and future members of the Bar: "we're all jointly and severally part of the same family."

While Fortier admitted that the practice of law has

Cont'd on p. 2

PARTY

Thursday, January 20th
Union Ballroom 8:30. Sponsored by the Law Students Association Social Committee.

Fortier

Cont'd from p. 1

changed immensely in recent years, and that times are "hard" out there even for lawyers, he stressed that there are still many possibilities.

The root of the problem is inefficiency. Fortier stated that this was actually good news for the students. They are flexible and can adapt to the new need for efficiency.

According to Fortier, present lawyers are not earning enough because they are inefficient and misdirected. "Too many lawyers are labouring in a medieval environment, and that is a losing proposition."

The first major cause of inefficiency is lack of specialization. "Lawyers are not specialized enough. I cannot state strongly enough that specializing is the only rational approach for someone contemplating practising law."

But this does not mean traditional specialization. "Even further specialization is necessary and possible." Such work would take the form of specializing in specific statutes, government regulations, or particular areas of government and other work. M. Fortier gave the example of some lawyers who spend all their time doing only cable television work. Microtechnology in general, added Fortier, will offer endless opportunity. He concluded this theme with the advice that students should "start specializing now while in law school."

The second major cause of inefficiency is poor management. The great evil here is overhead costs. M. Fortier noted that Canadian law firms on average have higher

overhead, higher support staff costs, and higher receivables than their American counterparts. Furthermore, we've ignored computerized information services. "We still have files and law books, and you won't find that in New York offices!" According to Fortier, support staff must be cut and efficient computer technology brought in, even though this would hurt unemployment. "We are inefficient and that is dragging down the profession."

Despite his optimistic portrayal of what the law profession could still be, Fortier admitted it is no longer the provider it once was. Expectations of the profession have to be lowered. Further, law students should consider alternative careers which require legal skills. "Don't overlook these options. You should consider using your law degree as a springboard into other fields." The demand for legal skills will remain high, stated Fortier. Legal knowledge becomes increasingly valuable as our society becomes more and more complex.

Quid Novi Announcement

Quid Novi welcomes articles, letters to the editor, and notices of coming events. Please submit what you have by Friday for publication in the following Wednesday's paper. The Quid Novi office is in the bottom of old Chancellor Day Hall beside the LSA office and the Bookstore. Meetings will be held every Monday in the Common Room.

Le comité de rédaction vous invite à contribuer au Quid Novi en nous faisant parvenir des articles, des lettres au Quid Novi, ainsi que toute annonce concernant les activités à venir. Nous nous prions de les soumettre avant le vendredi de la semaine précédant la publication du journal. Le bureau de Quid Novi se trouve au sous-sol de vieil édifice de Chancellor Day Hall à côté du bureau du LSA. Les réunions se tiendront tous les lundis à 1:00 pm. dans le "Common Room".

NEXT WEEK

Professor Joseph Vining of Michigan Law School on legal education.

Quid Novi goes to the movies with The Verdict.

Si Lafontaine m'était conté: Le Crêpeau et le Connard

Maître Crêpeau de sa chaire perché,
Tenait sous son bras un ouvrage.
Maître Connard, d'un air intéressé,
Lui tint à peu près ce verbiage:
Hé! bonjour, monsieur du Crêpeau!
Que vous êtes poli, que vous me semblez haut!
Sans mentir, si votre glanage
Se rapporte à votre langage,
Vous êtes le phénix des apôtres du droit.
A ces mots le Crêpeau ne se senti plus de joie;
Il ouvre un large bras, laisse tomber sa loi.
Le Connard s'en saisit et dit: Mon bon monsieur,
Apprenez que tout flatteur
Vit aux dépens de celui qui l'écoute:
Cette leçon vaut bien un ouvrage, sans doute.
Le Crêpeau, honteux et confus,
Jura, mais un peu tard, qu'on ne l'y prendrait plus.

Véronique Marleau
B.C.L. II

My Christmas Coffee Break

by F. Rick Goldman

A funny thing happened to me during our X-mas coffee-break ("vacation is simply too liberal a term to describe it). After one-and-a-half years of law school and the (thank god, reasonably) successful completion of half a B.C.L. degree, I began to think like a lawyer.

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Editorial

Doom and Gloom

"Its objects shall be to advance the science of jurisprudence, promote the administration of justice and uniformity of legislation throughout Canada so far as consistent with the preservation of the basic systems of law in the respective provinces, uphold the honour of the profession of law and encourage cordial intercourse among the members of the Canadian Bar." (Article 1, Constitution of the Canadian Bar Association)

Like many, after reading this article, I too have a great deal of trouble reconciling these general objectives with the message that was given to students last week by CBA President Yves Fortier.

The idea of embarking on a speaking tour of all Canadian law schools is highly commendable. But the terse advice that lawyers, in order to remain successful, must become more efficient through specialization and computerization is not quite as laudable. If the goal of this speaking tour is to re-encourage Canada's brighter minds that they should stay in law, the way to do so is not simply to reassure them that there's still a big buck to be made in the profession if they play their cards right. I'm not convinced that that's what we want to hear.

Of course, it is not in dispute that the Canadian legal profession is currently beset by many problems. However, these problems are neither strictly financial, nor are they merely isolated ones that affect the profession exclusively. They are the broader problems of the Canadian legal community, and of Canada itself. Among the problems that come to mind: the current state of Canadian legal scholarship, the role of the Canadian legal community vis-a-vis national unity, national mobility of Canadian lawyers, just too name a few.

To what extent will narrow specialization lead us to solutions to these broader problems? I don't believe it will to any great extent. It seems to me that there is even a great danger in specialization if specializing leads to narrowness. Narrow minds do not solve grand problems. If specialization is necessary, then we must still be very careful.

It is obvious from the CBA Constitution that the founders of this Association had wider visions of the role that should be played by the Canadian legal community. Where and when these visions became transformed into pre-occupations with efficiency and management is not clear. What is clear is that if the broader problems are to be solved, it will take more than software packages and specialization. If these problems are to be solved, the profession does not need opportunistic wolves, it needs bright, creative minds.

Daniel Gogek

Le Carnaval Sportif N'Aura Pas Lieu

par Stéphan Le Gouëff

A tous ceux qui trépignaient d'impatience à l'idée de rencontrer leurs collègues des autres facultés civiles pendant deux jours d'exaltation, de fraternité et de franche camaraderie; à ceux qui rêvaient de se dilater les cordes vocales, de délier leurs muscles sclérosés ou de danser jusqu'à ce que mort s'ensuive; à ceux enfin qui attendaient une occasion de s'empiffrer goulûment lors de festins pantagruéliques collectifs, de boire avidement ou simplement de s'amuser, j'exprime, au nom du comité organisateur, des regrets aussi profonds que les mers où se cache le pétrole le plus inaccessible de la planète. Le Carnaval-sportif inter-facultaire (C.S.I.) n'aura pas lieu.

Trist fin, pour un événement préparé avec tant d'enthousiasme et attendu par des générations entières d'étudiants en droit! Comme il s'agissait d'une promesse électorale, cette entreprise était condamnée d'avance, car il est bien connu que celles-ci ne se réalisent jamais. Nous avons tout de même fait de notre mieux pour que ce rêve devienne réalité. Cela aurait permis d'établir un pont reliant nos facultés.

C'est en mai 1982, que je reçus de la part des exécutifs des associations étudiantes des facultés civiles, le mandat de mettre sur pied le C.S.I. Dès septembre, le comité organisateur composé, en ordre alphabétique, de Marie-Josée Beaudy, Pierre LaTraverse, Sylvie Lévesque, Anne-Marie

Veilleux et moi-même, a établi un programme ainsi qu'un budget qui fut soumis aux universités participantes en novembre dernier.

Le programme a fait l'unanimité. Il proposait, entre autres, des activités de plein-air (liege, ski de fond, ballon-balai...), des sports (comme volleyball et squash), un rallye des brasseries, 2 danses, et 3 repas! Pour tout cela, nous demandions \$150 à chaque association en plus de \$12 par étudiant!

C'est là que des guincements de deuts se sont faits entendu et qu'une myriade d'objections se sont soulevées. Elles peuvent se résumer ainsi. L'AED de l'U. de Montréal, en faille technique, soutenait qu'il serait incongru de financer un carnaval extérieur alors qu'elle exigeait que leur propre carnaval soit autofinancé. Toutefois, les fonds requis furent finalement approuvés. L'U. de Laval, quant à elle, a réclamé que les frais de transport des universités extérieures soient en partie assumés par les universités de Montréal qui n'avaient pas à se déplacer. Cela auraient permis d'accroître le niveau de participation. L'idée est certes intéressante, mais qu'advient-il si le carnaval avait eu lieu à Laval? Cette faculté aurait-elle été en mesure de financer en partie les coûts de transport des 4 autres facultés? Aussi, la pratique dans ce genre d'événement (tournoi de common law, tournoi de hockey de droit civil) est de laisser à chaque faculté le soin d'assumer ses frais de

transport. De plus, l'Université d'Ottawa, s'est dite en mesure d'attirer qu'une vingtaine de participants alors que l'Université Sherbrooke a préféré se retirer invoquant, pour ce faire, des raisons d'ordre économique.

Qui plus est, ces développements sont si récents qu'il ne nous était plus possible de modifier le carnaval afin d'en réduire les coûts (par exemple en le réduisant à une journée) afin de s'assurer la participation de tous.

Finalement, même en supposant que tout se soit passé comme prévu il demeurerait un impondérable: la température. Sans elle, le carnaval tombait à l'eau et, à l'heure où j'écris ces lignes, elle n'est toujours pas au rendez-vous.

Le comité est consterné par ce dénouement imprévu. Nous avons perdu temps et énergie sur un projet mort -- né parce que les priorités de plusieurs associations avaient été mal définies. J'espère que l'idée du carnaval surgira à nouveau et qu'elle vera enfin le jour. Mais avant, il faudra s'assurer que nous voulons vraiment d'un tel événement et que nous sommes prêts à en assumer les coûts.

Pour ceux qui ont la larme à l'oeil en lisant ces lignes, consolez-vous, comme par le passé, nous aurons une danse interfacultaire et McGill en sera l'hôte.

All-Out Assault Withstood....

STUDENTS SURVIVE MARKS

by Lynn Bailey

O.K.! The MARKS are out. Egos have been deflated, the wave of rationalization has passed, and everything is back to normal around Chancellor Day Hall.

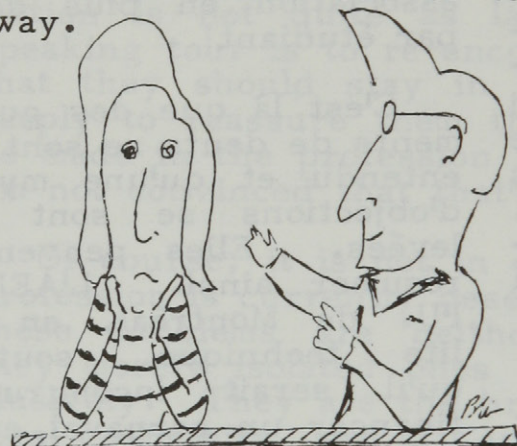
The Christmas holidays are a good break for the ego. We escape from the bleak walls of McGill where things are so tough, to the comfort of our homes. There we can listen to our mothers tell Aunt Alice for the tenth time, "This one," (as she pats us lovingly on the head) "is going to be a lawyer." And for a while, amidst the Christmas coffee mugs -- sporting the lawyer theme -- and other junior lawyer presents, we actually begin to believe it ourselves.

This falsely induced confidence lasts for the first three days of school. We listen cheerfully to our professors as they outline the slop we will be wading through for the next four months. Then some radical mentions MARKS, and a feeling of discomfort begins in the pit of the stomach. The discomfort is cultivated carefully by fellow students happily telling stories of suicides, nervous breakdowns, and other emotional possibilities commonly associated with MARKS. By MARKS day, most students are reduced to pain.

At 5 o'clock, students dressed in dark clothing can be seen slinking up to the law school. In the basement, they smile weakly at the lucky few who are already drunk and approach "The Wall." This phenomena is well-known in the MARKS

world. Symptoms of "The Wall" range from blindness to loss of ability to locate one's courses. Unfortunately, they are always there.

At least in undergraduate you got to tromp around through the snow between six different buildings to obtain a set of marks. By the time you reached your second Big Disappointment, the fresh air and the cats you kicked along the way had allowed you to rationalize the first MARK out of the way.



Look Jane, just because you wrote an article on the subject doesn't automatically mean you should pass.

Don't they know? We just don't care anymore! We're too intelligent to fight a losing battle! We've resolved that starting NOW we are going to have a normal perspective on life. Starting NOW, we are going to have a social life, better backhands, and clear skin. What a relief it is to know that the law no longer controls even our most intimate habits.

This resolution is wonderful for girlfriends, husbands, and the man who teaches the creative kite-making course. Unfortunately, it only lasts for a week. Then SLURP, sucked in again by the vicious

academic whirlpool. The harsh reality of Yves Fortier's speech sends students rushing to the library to learn how to SPECIALIZE.

The bad news remains on the wall for days afterwards, but to the student body, the pieces of paper become as useless as the cases put on reserve in the library. No one will every look at them again.

The first-year law student enjoys a unique position. Receiving the first set of MARKS is a student's real initiation into the law. Most find out early that a lawyer is subject to many blows. A few get out while they still can. The poor soul who does WELL on the first set of exams only has further to fall in the years to come. His colleagues will help to condition him for this by putting him under tremendous pressure as to the standards he must reach in order to remain the focus of their admiration. Others will let him know they hate his guts.

The professors of course, have to bring up MARKS in class. Some are sympathetic. "I understand, you couldn't complete the readings...". Others are more harsh. "Why isn't anybody contributing to the discussion today? Disappointed in your marks?"

Who are they trying to fool!? We never do the readings and rarely contribute in class. All but the most disillusioned members of the Faculty know and accept this. They must think this added misery will induce us to work harder.

My Christmas Coffee Break

by F. Rick Goldman

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Le Carnaval Sportif N'Aura Pas Lieu

par Stéphan Le Gouëff

A tous ceux qui trépignaient d'impatience à l'idée de rencontrer leurs collègues des autres facultés civilistes pendant deux jours d'exaltation, de fraternité et de franche camaraderie; à ceux qui rêvaient de se dilater les cordes vocales, de délier leurs muscles sclérosés ou de danser jusqu'à ce que mort s'ensuive; à ceux enfin qui attendaient une occasion de s'empiffrer goulûment lors de festins pantagruéliques collectifs, de boire avidement ou simplement de s'amuser, j'exprime, au nom du comité organisateur, des regrets aussi profonds que les mers où se cache le pétrole le plus inaccessible de la planète. Le Carnaval-sportif inter-facultaire (C.S.I.) n'aura pas lieu.

Trist fin, pour un événement préparé avec tant d'enthousiasme et attendu par des générations entières d'étudiants en droit! Comme il s'agissait d'une promesse électorale, cette entreprise était condamnée d'avance, car il est bien connu que celles-ci ne se réalisent jamais. Nous avons tout de même fait de notre mieux pour que ce rêve devienne réalité. Cela aurait permis d'établir un pont reliant nos facultés.

C'est en mai 1982, que je reçus de la part des exécutifs des associations étudiantes des facultés civilistes, le mandat de mettre sur pied le C.S.I. Dès septembre, le comité organisateur composé, en ordre alphabétique, de Marie-Josée Beaudy, Pierre LaTraverse, Sylvie Lévesque, Anne-Marie

Veilleux et moi-même, a établi un programme ainsi qu'un budget qui fut soumis aux universités participants en novembre dernier.

Le programme a fait l'unanimité. Il proposait, entre autres, des activités de plein-air (liege, ski de fond, ballon-balai...), des sports (comme volleyball et squash), un rallye des brasseries, 2 danses, et 3 repas! Pour tout cela, nous demandions \$150 à chaque association en plus de \$12 par étudiant!

C'est là que des guincements de deuts se sont faits entendu et qu'une myriade d'objections se sont soulevées. Elles peuvent se résumer ainsi. L'AED de l'U. de Montréal, en faille technique, soutenait qu'il serait incongru de financer un carnaval extérieur alors qu'elle exigeait que leur propre carnaval soit autofinancé. Toutefois, les fonds requis furent finalement approuvés. L'U. de Laval, quant à elle, a réclamé que les frais de transport des universités extérieures soient en partie assumés par les universités de Montréal qui n'avaient pas à se déplacer. Cela aurait permis d'accroître le niveau de participation. L'idée est certes intéressante, mais qu'advient-il si le carnaval avait eu lieu à Laval? Cette faculté aurait-elle été en mesure de financer en partie les coûts de transport des 4 autres facultés? Aussi, la pratique dans ce genre d'événement (tournoi de common law, tournoi de hockey de droit civil) est de laisser à chaque faculté le soin d'assumer ses frais de

transport. De plus, l'Université d'Ottawa, s'est dite en mesure d'attirer qu'une vingtaine de participants alors que l'Université Sherbrooke a préféré se retirer invoquant, pour ce faire, des raisons d'ordre économique.

Qui plus est, ces développements sont si récents qu'il ne nous était plus possible de modifier le carnaval afin d'en réduire les coûts (par exemple en le réduisant à une journée) afin de s'assurer la participation de tous.

Finalement, même en supposant que tout se soit passé comme prévu il demeurerait un impondérable: la température. Sans elle, le carnaval tombait à l'eau et, à l'heure où j'écris ces lignes, elle n'est toujours pas au rendez-vous.

Le comité est consterné par ce dénouement imprévu. Nous avons perdu temps et énergie sur un projet mort -- ne parce que les priorités de plusieurs associations avaient été mal définies. J'espère que l'idée du carnaval surgira à nouveau et qu'elle vera enfin le jour. Mais avant, il faudra s'assurer que nous voulons vraiment d'un tel événement et que nous sommes prêts à en assumer les coûts.

Pour ceux qui ont la larme à l'oeil en lisant ces lignes, consolez-vous, comme par le passé, nous aurons une danse interfacultaire et McGill en sera l'hôte.

All-Out Assault Withstood....

STUDENTS SURVIVE MARKS

by Lynn Bailey

O.K.! The MARKS are out. Egos have been deflated, the wave of rationalization has passed, and everything is back to normal around Chancellor Day Hall.

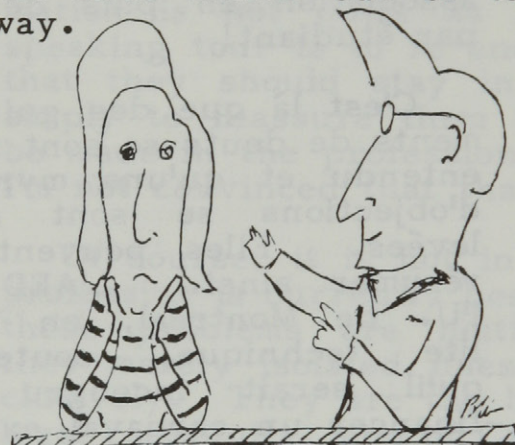
The Christmas holidays are a good break for the ego. We escape from the bleak walls of McGill where things are so tough, to the comfort of our homes. There we can listen to our mothers tell Aunt Alice for the tenth time, "This one," (as she pats us lovingly on the head) "is going to be a lawyer." And for a while, amidst the Christmas coffee mugs -- sporting the lawyer theme -- and other junior lawyer presents, we actually begin to believe it ourselves.

This falsely induced confidence lasts for the first three days of school. We listen cheerfully to our professors as they outline the slop we will be wading through for the next four months. Then some radical mentions MARKS, and a feeling of discomfort begins in the pit of the stomach. The discomfort is cultivated carefully by fellow students happily telling stories of suicides, nervous breakdowns, and other emotional possibilities commonly associated with MARKS. By MARKS day, most students are reduced to pain.

At 5 o'clock, students dressed in dark clothing can be seen slinking up to the law school. In the basement, they smile weakly at the lucky few who are already drunk and approach "The Wall." This phenomena is well-known in the MARKS

world. Symptoms of "The Wall" range from blindness to loss of ability to locate one's courses. Unfortunately, they are always there.

At least in undergraduate you got to tromp around through the snow between six different buildings to obtain a set of marks. By the time you reached your second Big Disappointment, the fresh air and the cats you kicked along the way had allowed you to rationalize the first MARK out of the way.



Look Jane, just because you wrote an article on the subject doesn't automatically mean you should pass.

Don't they know? We just don't care anymore! We're too intelligent to fight a losing battle! We've resolved that starting NOW we are going to have a normal perspective on life. Starting NOW, we are going to have a social life, better backhands, and clear skin. What a relief it is to know that the law no longer controls even our most intimate habits.

This resolution is wonderful for girlfriends, husbands, and the man who teaches the creative kite-making course. Unfortunately, it only lasts for a week. Then SLURP, sucked in again by the vicious

academic whirlpool. The harsh reality of Yves Fortier's speech sends students rushing to the library to learn how to SPECIALIZE.

The bad news remains on the wall for days afterwards, but to the student body, the pieces of paper become as useless as the cases put on reserve in the library. No one will every look at them again.

The first-year law student enjoys a unique position. Receiving the first set of MARKS is a student's real initiation into the law. Most find out early that a lawyer is subject to many blows. A few get out while they still can. The poor soul who does WELL on the first set of exams only has further to fall in the years to come. His colleagues will help to condition him for this by putting him under tremendous pressure as to the standards he must reach in order to remain the focus of their admiration. Others will let him know they hate his guts.

The professors of course, have to bring up MARKS in class. Some are sympathetic. "I understand, you couldn't complete the readings...". Others are more harsh. "Why isn't anybody contributing to the discussion today? Disappointed in your marks?"

Who are they trying to fool!? We never do the readings and rarely contribute in class. All but the most disillusioned members of the Faculty know and accept this. They must think this added misery will induce us to work harder.

INTERVIEW WITH PROF. BIRKS

by Pearl Eliadis

If you have been in her Torts class, you have heard not only about Torts, but also about everything from apocalyptic Judaism to the "insidious" nature of economic analysis in law. Prof. Birks comes to us from Osgoode Hall, where she did graduate work with Canadian constitutional giants Peter Hogg and Walter Tarnopolsky. She is presently teaching Torts and Common Law Family at McGill.

The first class that Prof. Birks ever confronted numbered almost 100 students. She had been told that the class would be about 65 strong, and her reaction to the Torts class was, "I have never seen such a large class before in a law school." Nevertheless, she enjoys her students (she even said she MISSED us over the holidays...well, she'll get over that phase soon enough!), and has her own distinctive view as to how law should be taught. The Socratic method can often be a disaster, she asserts, and students must be able to operate from a consistent and logical framework before being able to challenge the professor's viewpoint. A minor difficulty arose at the outset of term when students who simply did not understand certain issues were perceived as challenging Prof. Birks' view. "What can I say about that?" she said candidly. "You have to learn to crawl before you can walk. I did a lot of crawling."

Prof. Birks has a special interest in constitutional law, and particularly in how

the constitutional battles for power in Canada impact on natural resources. Despite her specialization in this field, she has no desire to teach a constitutional class at this point. Of course Prof. Cotler will be taking his sabbatical next year, but Prof. Birks insists that she has no desire to take his class.

Born in Quebec, Prof. Birks did undergraduate work in both art history and Middle English Literature -- "You know, Chaucer and all that stuff" -- at Queen's. Her legal education at Osgoode left certain imprints that distinguish her from some of the first-year common law professors at McGill. Prof. Birks sees economic analysis as "narrow, limited, and fragile," an inadequate tool, especially for such aspects of the law as criminal law. In addition, Prof. Birks feels that in comparison to the Osgoode faculty, the professors at McGill are more interested in academic than in practical aspects of law. She has sat in on some classes of other McGill professors, but declines to identify them "because then I'd have to say whether I think they are good or not."

Prof. Birks emphasizes that teaching is an essential learning process for her as well as the students. "My students have been very patient with me," she grins, "it's a matter of time for them to get used to me, and for me to get used to them."

I think we'll get along fine.



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The Media and National Security

by Wayne Burrows

The role of the news media as a watchdog on arbitrary and illegal actions by government has been part of a national mystique, particularly in the U.S., since at least the time of Watergate and its aftermath. Wednesday, January 5th, PBS presented a seminar on the role of the media in a democracy, as part of its continuing series on "The Constitution: That Delicate Balance." Guided by Columbia Law Professor Benno Schmidt, this program was of particular interest to law students not only for its subject matter, but also as an example of how the Socratic approach to learning should operate.

The issue for discussion was deceptively simple: how far can the First Amendment protection of freedom of the Press under the U.S. Constitution extend to protect the reporters of illegally obtained information which is harmful to the national interest? What became clear quickly was the animosity which exists between the media and government. James Schlesinger, former Director of the C.I.A., stated that he would lie, and had justified lying, to the media when he felt national interest warranted it. On the other hand, Lyle Denniston, Washington Bureau Chief of the Baltimore Sun, argued that there was little if any point in trying to confirm unofficial leaks, as the frequency of lying increased the closer one approached the centres of power.

The legal position of a reporter who knowingly accepts stolen documents was also discussed. Griffin

Bell, former U.S. Attorney General, argued that the

First Amendment gave no protection for criminal acts, and therefore the media could not shield itself from responsibility by pleading freedom of the press. However, Max Frankel, Editorial Page Editor of the New York Times, replied that the term "property" was inapplicable in the case of a leaked document showing illegal government action; the people were entitled to the information and the manner in which it was obtained was irrelevant.

While much of the discussion was peculiar to the U.S. because of the central role of the Constitution in American society, the issue of the legal position of the media is also of importance in Canada. Does the public's right to know, and the media's duty to report, extend certain extraordinary protections to reporters in certain circumstances? If not, should the courts issue restraining orders forbidding the publication of certain documents, when to do so would have the effect of muzzling the media and subverting the flow of information? Does the public, to paraphrase Potter Stewart, former Justice of the United States Supreme Court, even have a right to know? Finally, what is the role of the courts in such

matters? Are they merely to apply relevant criminal statutes or should they also consider the public policy considerations behind a free press?

The Student Support Group Returns!

I know, Christmas just wasn't the same without us! We're back now, with a slightly revised schedule. Our office will officially be open from 1 - 2 p.m., Monday to Friday. If that time is not convenient, leave your name and phone number on the office door and someone will contact you. Or, call a SSG member on night shift. He/she will arrange to meet you when convenient.

We'll remain on call 7 nights a week if we can swing it.

You can also look forward to yet another eating event before the moots in February, when we'll provide an in-depth analysis of the art of factum-writing and the relevance of the hole in your doughnut.

Finally, we encourage your feedback. This service is being provided for your benefit -- let us know if you have any suggestions, comments, or complaints.

Sharon Speevak

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